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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/677,060	09/29/2000	Krishna Kishore Dhara	Dhara 2-2-1	1685
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46363 7590 08/23/2005

MOSER, PATTERSON & SHERIDAN, LLP/
LUCENT TECHNOLOGIES, INC
595 SHREWSBURY AVENUE
SHREWSBURY, NJ 07702

EXAMINER

PHAN, TRI H

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,060

Applicant(s)

DHARA ET AL.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 December 2004.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 11-19, 22-29, 32, and 35-39 is/are rejected.
- 7) Claim(s) 9, 10, 20, 21, 30, 31, 33 and 34 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some
 - * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/10/2004.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on December 10th, 2004. Claims 1-39 are now pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8, 11-19, 22-29, 32, and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Maggenti et al.** (U.S.6,477,150; hereinafter refer as '**Maggenti**').

- In regard to claims 1, 11 and 35, **Maggenti** discloses in Figs. 1-14 and in the respective portions of the specification about the software program (For example see col. 15, lines 38-46), system and method of *transporting bifurcated voice and signaling data over the network* (For example see Figs. 2-3), *which comprises the steps of identifying at the subscriber device ('communication device CD'), for each communication link to be established, respective signaling data and voice data* (For example see col. 12, lines 52-59) *and transmitting from the*

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subscriber device the signaling data ('signaling traffic') *via the first network and the voice data* ('media traffic') *via the second network* (For example see Fig. 2), *wherein the first network is different from the second network* (For example see Figs. 2-3; col. 20, lines 49-57; wherein, it is obvious that the media traffic and the signaling traffic are transmitted through different networks, such as Internet and PSTN for voice/data and signaling traffic as disclosed in col. 8, lines 46-56).

- Regarding claims 2-3, 7, 12-13, 15-16, 24-27, and 37-38, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Maggenti** further discloses about *the wireless network and the data packet network* (For example see Fig. 2) *and via the base station system* (For example see Fig. 2).

- In regard to claims 4-5, 17-18 and 36, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Maggenti** further discloses about the *communicating to the switch* ('communication manager CM'; For example see Abstract; col. 2, lines 30-41; col. 15, lines 28-37; wherein the "controller" is inherent in the computer system for controlling as disclosed in col. 15, lines 38-46)

- Regarding claims 6, 14, 28 and 39, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Maggenti** further discloses about *the compression* (For example see col. 21, lines 33-39; col. 23, lines 18-30).

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- In regard to claims 8, 19 and XX, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Maggenti** further discloses about *the conversion between voice and packet* (For example see col. 6, lines 31-35; col. 10, lines 15-19).

- Regarding claims 22 and 29, **Maggenti** fails to explicitly disclose about *switching the voice traffic to the same communication network as the signaling traffic when loss of local power is detected*. However, it is obvious that, depends on system by system and choices, the designed switching is provided by writing codes for the switching program in case of “loss of local power”.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to provide the switching voice traffic to other traffic, such as signaling traffic in case of “loss of local power” in **Maggenti**’s system, with the motivation being to prevent loss data in case of local power loss.

- In regard to claim 23, **Maggenti** discloses in Figs. 1-14 and in the respective portions of the specification about *the communication system for transporting bifurcated voice and signaling traffic between a calling party and called party* (For example see Figs. 2-3), *the method comprises the steps of identifying at the subscriber device a call request* (For example see col. 5, lines 38-41), *establishing the signaling link from the subscriber device to the switch* (‘communication manager CM’; For example see Abstract; col. 2, lines 30-41; col. 15, lines 28-37) *via the first transport network* (For example see Fig. 3; col. 5, lines 41-46; col. 8, lines 46-56; col. 12, lines 52-59) *and establishing the voice path from the subscriber device to the switch*

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via a second transport network ('media traffic'; For example see Figs. 2-3; col. 8, lines 46-56; col. 12, lines 52-59) *responsive to a determination that said called party answers, the first transport network being different from the second transport network* (For example see col. 8, lines 46-56; col. 12, lines 52-59).

- Regarding claim 32, **Maggenti** discloses in Figs. 1-14 and in the respective portions of the specification about the communications system, which comprises *the subscriber device* ('communication device CD') *for providing bifurcated voice and signaling traffic over the network* (For example see Figs. 2-3) *and means for converting data packets to circuit switched traffic and vice versa* (For example see col. 6, lines 31-35; col. 10, lines 15-19).

Response to Amendment/Arguments

4. Applicant's arguments filed on December 10th, 2004 with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gorsuch et al. (U.S.6,081,536) and **Roach, Peter O. Jr.** (U.S.5,845,211) are all cited to show devices and methods for improving the telecommunication architectures, which are considered pertinent to the claimed invention.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on (571) 272-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TRIAN NGUYEN
EXAMINER

Tri H. Phan
August 22, 2005